

REFERENCE TITLE: aggregate mine reclamation law; exemption

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2666

Introduced by
Representative Biggs

AN ACT

AMENDING TITLE 27, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 27-1203.01; RELATING TO AGGREGATE MINED LAND RECLAMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 27, chapter 6, article 1, Arizona Revised Statutes,
3 is amended by adding section 27-1203.01, to read:

4 27-1203.01. Exemption for limited, intermittent-use projects;
5 notice; fee

6 A. THE REGULATORY AND RECLAMATION PROVISIONS OF THIS CHAPTER DO NOT
7 APPLY TO AN AGGREGATE MINING UNIT THAT IS INTERMITTENTLY USED FOR SPECIFIC
8 GOVERNMENTAL PROJECTS, THAT CONSISTS OF A DISTURBED AREA OF NOT MORE THAN
9 FORTY CONTIGUOUS ACRES AND A SINGLE PIT OF NOT MORE THAN TWENTY ACRES AND
10 THAT IS SUBJECT TO THE REQUIREMENTS OF THE CLEAN WATER ACT (33 UNITED STATES
11 CODE CHAPTER 26).

12 B. THE OWNER OR OPERATOR OF AN AGGREGATE MINING UNIT THAT IS EXEMPT
13 UNDER SUBSECTION A MUST FILE WITH THE STATE MINE INSPECTOR AN ADMINISTRATIVE
14 NOTICE, IN A FORM PRESCRIBED BY THE INSPECTOR, CONTAINING:

15 1. THE LOCATION OF THE AGGREGATE MINING UNIT.

16 2. THE SIZE OF THE DISTURBED AREA.

17 3. A CERTIFICATION, UNDER PENALTY OF PERJURY, THAT:

18 (a) THE AGGREGATE MINING UNIT MEETS THE REQUIREMENTS OF THE CLEAN
19 WATER ACT.

20 (b) THE DEPTH OF EXCAVATION WILL NOT EXCEED TWENTY-FIVE FEET BELOW THE
21 LOWEST EXISTING SURFACE ELEVATION.

22 (c) AT THE END OF THE SPECIFIC PROJECT USE, THE UNIT WILL BE RECLAIMED
23 IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE OWNER OF THE LAND AND ALL
24 SAFETY CONDITIONS PRESCRIBED BY LAW.

25 C. THE OWNER OR OPERATOR SHALL SUBMIT A FEE WITH THE NOTICE UNDER
26 SUBSECTION B IN AN AMOUNT PRESCRIBED BY THE STATE MINE INSPECTOR, BUT NOT
27 MORE THAN ONE HUNDRED DOLLARS.

28 Sec. 2. Requirements for enactment: two-thirds vote

29 Pursuant to article IX, section 22, Constitution of Arizona, this act
30 is effective only on the affirmative vote of at least two-thirds of the
31 members of each house of the legislature and is effective immediately on the
32 signature of the governor or, if the governor vetoes this act, on the
33 subsequent affirmative vote of at least three-fourths of the members of each
34 house of the legislature.